IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 20TH MARCH 2007 / 29TH PHALGUNA 1928

Crl.MC.No. 691 of 2007()

(CR.NO.56/2004 OF THE EXCISE RANGE OFFICE, UDUMBANCHOLA, IDUKKI DISTRICT)

PETITIONERS: ACCUSED NO.1 &2:
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1. **BABU, S/O PAULOSE,**
   KUDIYIRICKAL HOUSE, MURIKKASSERI KARA,
   VATHIKKUDI VILLAGE, UDUMBANACHOLA TALUK,
   IDUKKI DISTRICT.

2. **SHAJI, S/O THOMAS,**
   KANDACHAMKUNNEL HOUSE, KAMBILIKANDAM KARA,
   KONNATHADI VILLAGE, UDUMBANCHOLA TALUK,
   IDUKKI DISTRICT.

BY ADV. SRI.C.C.THOMAS

RESPONDENT: COMPLAINANT:

STATE OF KERALA REPRESENTED BY
EXCISE INSPECTOR, EXCISE RANGE OFFICE,
UDAMBANCHOLA, IDUKKI DISTRICT
BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. S.U. NAZER

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 20/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.691 of 2007

Dated this the 20th day of March, 2007

ORDER

The learned counsel for the petitioners prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that in the light of the decision in **State of Kerala and Others v. Unni and another** [2007(1) KLJ (S.C) 97], this prosecution in which the only allegation is that the percentage of Ethyl Alcohol exceeds the permissible figure cannot be sustained. This Crl.M.C is, in these circumstances, allowed. All proceedings in pursuance of C.R. No.56 of 2004 of Excise Range Office, Udumbanchola, Idukki District against the petitioners are hereby quashed.

(R.BASANT, JUDGE)

rtr/-